

**Planning Commission Meeting
December 7, 1999**

The San Bruno Planning Commission held its regular meeting on Tuesday, December 7, 1999 in the City Hall Council Chambers. Chairman Marshall called the meeting to order at 7:00 P.M. Roll call found C. Johnson, Sammut, Schindler, Birt present. C. Petersen arrived at 8:10 P.M. Staff present: George D. Foscardo, Community and Economic Development Director; Steve Padovan, Associate Planner; Raffi Boloyan, Assistant Planner; Jonathan Lowell, City Attorney; Jan Aki, Recording Secretary. C. Johnson led the assemblage in the Pledge of Allegiance.

1. Approval of Minutes

M/S Schindler, Johnson to approve minutes of November 16, 1999; all ayes. Absent: C. Petersen

2. Communications

C. Marshall thanked Mr. Foscardo for hosting a holiday party for the Planning Commission and staff at his home.

3. Public Comment - Items Not on Agenda

Steve Elder, Donner Street, San Mateo stated he was an associate with David Cox, the applicant for Agenda Item No. 8, and Mr. Cox had an emergency and has requested a continuance to January 18, 2000.

4. 1271 Montgomery Avenue (Tape File 396-A, B)

Request for a use permit to increase the incoming tonnage from 120 tons per day to a peak of 250, provide for self-haul use of the facility, and to increase the days and hours of operation at the existing San Bruno Garbage Transfer Station; per Section 12.96.150.C.1.d of the San Bruno Zoning Ordinance. Use Permit 99-36 (Public Hearing) Environmental Determination: Negative Declaration (Public Hearing) Zoning: Industrial (M-1) (Continued from November 16, 1999)

Mr. Padovan entered staff report dated December 7, 1999 into the record. A digital photo presentation was provided. C. Marshall questioned how South San Francisco can ask a San Bruno business to repair a street in their city particularly when businesses in South San Francisco also use this street and could have added to the problem. Mr. Padovan responded he felt this was a realistic requirement since the garbage company is the primary user of this section of the street. The area in question is a 130 foot section of street with 32 feet of pavement; no curbs or gutters included. San Bruno Garbage Company estimates that the improvement would cost about \$50,000. Also, there have been occasions where the cities have had reciprocal agreements on shared streets. C. Schindler pointed out that perhaps the street may not have been designed for use as an industrial route.

The public hearing opened. Mario Puccinelli was present on behalf of the San Bruno Garbage Company and introduced Paul Sherman, staff planner and Don Gambelin, from Norcal. Mr. Puccinelli stated they have been at this location since 1970. C. Johnson asked if they agree with the conditions of approval. Mr. Puccinelli said one of the main thoroughfares to the transfer station is Montgomery Avenue. Tanforan Avenue has not been resurfaced for many years. If they are required to repave the street at a cost of \$50,000, they will have to increase rates to recover this expenditure. They would like this project to go forward since they need the additional tonnage and will also be open to the public on Saturday.

C. Sammut asked the cost of the self-haulers. C. Marshall inquired if a two scale fee structure, i.e. residential and non-residential, had been considered. Mr. Puccinelli responded the charge for the self-haulers would be their per ton cost at Ox Mountain and they have not considered two different rates.

C. Marshall stated he felt conditions 11 and 12 should be removed. C. Johnson asked if they had talked with South San Francisco about absorbing some of the cost and she would not like to see an increase in fees to residents. Mr. Puccinelli indicated he had not spoken with South San Francisco, however, they are willing to take care of the potholes in front of 101 Tanforan.

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C. Birt asked staff if they are recommending parking be placed on Railroad Place. Mr. Padovan responded they are requesting some marked spaces. C. Marshall inquired if any businesses paid for the repaving of Montgomery Avenue. Mr. Padovan said he did not know, however, there are no new developments in this area.

C. Sammut asked what is presently being done with the fluids draining from the outdoor dumpsters. Mr. Puccinelli said the debris boxes on Railroad Place contain glass and white appliances and they plan to move these bins around to Montgomery Avenue and place them on the driveway where there is a drain that goes directly to the sanitary sewer line.

The public hearing closed without objection.

C. Sammut asked if there would be a problem if the project was approved without requiring any street repairs or minimal street repairs and South San Francisco determines the street is unsafe and repaves it, can they then look to the city or garbage company to recoup the costs. He feels it is onerous for South San Francisco to require they put in a sidewalk and gutters when there are none on the other side of the street. Those trucks also use Montgomery Avenue and that is not a problem. Mr. Lowell said he did not think South San Francisco could come to the city for cost recovery, however, they could have an environmental challenge that the negative declaration is flawed.

Mr. Foscardo said the Commission could continue this item to the January meeting so the applicant can meet with South San Francisco. Typically a city will not want people to do work on public streets and usually they will pay into a fund and then pay the equivalent of having that one-half of the street paved.

M/S Marshall, Sammut to approve Use Permit 99-36 pursuant to the findings of fact and conditions in the staff report (deleting conditions 11 and 12 and revision to 13) and add a condition that the applicant will come to an agreement with the City of South San Francisco on repairing the potholes on Tanforan Avenue between Montgomery Avenue and Railroad Place before a final permit is issued; motion failed.

Mr. Lowell said project approval would also require approving the negative declaration which needs to have mitigation measures in place to address the environmental concerns. Howard Wexler (attorney for DSL) agreed with Mr. Lowell adding there could be a real legal problem if the project is approved since they would make a finding that the repair is necessary yet allow the applicant to negotiate with South San Francisco.

M/S Sammut, Johnson to continue this item to January 18, 2000 to allow the applicant to explore various options; all ayes. Abstain: C. Petersen

5. San Bruno Towne Center (Tape File 396-B)

Annual review of the Development Agreement for the San Bruno Towne Center pursuant to California Government Code Section 65865.1 and San Bruno Resolution 1986-77. Development Agreement 99-02 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Planned Development (P-D) (Continued from November 16, 1999)

Mr. Padovan entered staff report dated December 7, 1999 into the record.

The public hearing opened. Howard Wexler, attorney for DSL; Maria de Vera-Suarez, Koll Partnerships II; and Jane Murphy-Dorris, CB Richard Ellis Property Manager were present.

C. Marshall asked if there was a time frame when Costco might vacate. Ms. Vera-Suarez replied that originally they were moving in the first quarter 2000 and Lowe's would take over in the fall 2000, however, that is on hold pending the outcome of the ballot measure in South San Francisco in March. It will be up to Costco to decide whether to stay in San Bruno if they are denied space in South San Francisco. Mr. Wexler added if the request is denied, they would most likely stay in San Bruno until they find a larger store.

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Ms. Vera-Suarez said there is a 3% vacancy at the center, however, some of this space has been set aside for the proposed Lowe's garden center. They should have 100% occupancy by next year.

C. Marshall asked if the conditions placed on Lowe's would go forward if they do not move into the center. Ms. Vera-Suarez said they do plan to make some lighting improvements but it will have to be phased in since the cost will be passed on to the tenants.

M/S Petersen, Schindler that the San Bruno Planning Commission finds that the property owner has sufficiently complied in good faith with the terms and conditions of the development agreement, for this annual review period; all ayes.

6. 2300 Catalpa Way (Tape File 396-A)

Request for a Use Permit to allow the construction of a first-story expansion and a new second story resulting in a second story whose front plane is not set at least five (5) feet further than the front setback of the first story; per Section 12.200.040.B.2 of the San Bruno Zoning Ordinance. Use Permit 99-42 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single-Family Residential (R-1)

C. Marshall abstained from this item due to having business relations with the architect. C. Birt assumed as chair.

Mr. Boloyan entered staff report dated December 7, 1999 into the record. A digital photo presentation was provided.

The public hearing opened.

Mr. Hannan, property owner, was present. Mr. Hannan stated the second story addition will have a one foot setback. C. Sammut asked why a five foot setback was not being proposed. Mr. Hannan responded he liked the look of the design better with the one foot setback.

Ken Ibarra, project architect, stated he feels the one foot setback meets the intent of the ordinance since the majority of the homes in the area do not provide a second story five foot setback and also the garage is set back 20 feet from the property line.

C. Schindler stated the addition is so recessed from the front of the building it is almost diminished and the offset doesn't pertain to what they are trying to do.

The public hearing closed without objection.

M/S Johnson, Schindler that the San Bruno Planning Commission approve Use Permit 99-42 pursuant to the following findings of fact and conditions; passed by the following vote:

AYES: C. Johnson, Schindler, Sammut, Birt

NOES: None

ABSTAIN: C. Marshall

ABSENT: C. Petersen

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, November 20, 1999, and notice mailed to property owners within 300 feet of the project site on November 17, 1999.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

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3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The Use Permit to allow the construction of a second story addition above the garage whose front plane is not set at least five (5) feet further than the front setback of the first story at 2300 Catalpa Way will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the city because the addition complies with height, floor area, lot coverage, and front, rear and side yard setback requirements of the San Bruno Zoning Ordinance, is compatible with surrounding residential densities, and matches the surrounding structures which do not exhibit any second story, front setback.
5. The general appearance of the residential addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the style of architecture is similar to other homes in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood because the addition is located in the rear of the parcel and the less than five foot second story setback matches the surrounding development.
7. The construction of the addition to the existing residence is consistent with the San Bruno General Plan, which designates the property for low density residential purposes.
8. The off-street parking should be adequate for the residence.
9. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing private facility.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 99-42 shall not be valid for any purpose. The Use Permit shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The applicant shall obtain a City of San Bruno building permit before construction can proceed.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
4. The proposed addition at 2300 Catalpa Way resulting in a second story whose front plane is not set at least five (5) feet further than the front setback of the first story shall be built according to the plans approved by the Planning Commission on December 7, 1999 labeled Exhibit "B", except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.
5. The residence and garage shall be used only as a single family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space

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as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.

7. The applicant shall place gutters around the entire addition to match the existing.

8. The entire structure shall be painted to match.

9. All drainage from the roof drains shall be directed to the City storm drain or contained within the property.

10. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

11. Sliding doors and windows which are accessible from the ground (or on a balcony) must have lift out resisting hardware and secondary locks.

12. Install a sanitary sewer clean-out per City standard

13. Materials and debris shall not be stockpiled within the City right-of-way.

14. All work in the City right-of-way shall require an encroachment permit from the Public Works Department.

(C. Birt advised of the seven day appeal period).

7. 190 El Camino Real (Tape File 396-B)

Request for a Use Permit, Architectural Review Permit and Parking Exception to construct a three-story, 50 room hotel with one level of parking below grade and associated landscape and site improvements including a five space parking exception for providing 45 spaces where 50 are required in the General Commercial Zone District; per Sections 12.96.110.C.4, 12.100.090, 12.100.120 and Chapter 12.108 of the San Bruno Zoning Ordinance. Use Permit 99-41 Architectural Review 99-16 Parking Exception 99-09 (Public Hearing) Environmental Determination: Negative Declaration (Public Hearing) Zoning: General Commercial (C-1)

Mr. Padovan recommended this item be continued due to design changes.

The public hearing opened. M/S Johnson, Schindler to continue this item to January 18, 2000; all ayes.
Absent: C. Petersen

8. 900 El Camino Real (Tape File 396-A)

Request for a Use Permit and Architectural Review Permit to allow the construction of a 120 sq.ft. drive thru coffee kiosk with associated parking, circulation and landscaping improvements on a vacant corner of an existing automotive repair facility; per Section 12.96.110 C.2 of the San Bruno Zoning Ordinance. Use Permit 99-43 Architectural Review Permit 99-17 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: General Commercial (C-1)

At the applicant's request, M/S Johnson, Schindler to continue this item to January 18, 2000; all ayes.

9. Specific Plan Study Session (Tape File 396-B)

Environmental Determination: Environmental Impact Report Zoning: Administrative Research (A-R) Neighborhood Commercial (C-N) High Density Residential (R-4) Open Space (O)

Mr. Padovan submitted a tree survey for the Specific Plan Area and advised the Citizens Advisory Committee would meet on Thursday, December 16, 1999 at 7:00 P.M.

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10. City Staff Discussion (Tape File 396-B)

- (A) Registration for "Role of the Planning Commissioner" - U.C. Davis Saturday, February 26, 2000 9:00 A.M. - 1:00 P.M.

Commissioners are to advise staff if they are interested in attending.

- (B) Gavel plaque to out-going Chair, Bob Marshall, Jr.

Mr. Foscardo thanked Bob Marshall for serving as chair and presented him with a gavel plaque from the city.

- (C) The Architectural Review Committee will meet December 16, 1999 with C. Sammut, Petersen, Schindler.

11. Planning Commission Discussion (Tape File 396-B)

M/S Sammut, Marshall to elect Terry Birt, Chair and Mary Johnson, Vice Chair for the year 2000; all ayes.

C. Marshall invited everyone to attend a holiday in the park hosted by Marshall Realty and the City on December 15, 1999 from 5:00 to 7:00 P.M.

12. Adjournment

The meeting adjourned at 8:30 P.M. by motion made and passed unanimously.

Respectfully submitted,

George D. Foscardo
Planning Commission Secretary

Janet Aki, Recording Secretary